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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

ECOLAB Inc., and NALCO COMPANY,))
LLC d/b/a Nalco Water, an))
Ecolab Company and/or Nalco))
Water,))
))
))
Plaintiffs,))
))
vs.))
))
ANTHONY RIDLEY, and CHEMTREAT,))
INC.,))
))
))
Defendants.))

C O N F I D E N T I A L
(ATTORNEYS' EYES ONLY)

Videotaped Deposition of
BENJAMIN IRWIN
Taken on behalf of the
Defendants
March 7, 2023
9:05 a.m.

Reported by:
Harpeth Court Reporters
Franklin, Tennessee
Ariela Kelley, LCR, CSR

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20
21 ALSO PRESENT:

22 ASHLEY OWNBY, VIDEOGRAPHER
23
24
25

1 THE WITNESS: I didn't look at his files until
2 after he quit.

3 BY MR. POPE:

4 Q. Okay.

5 A. And I gained access to the OneDrive directly.

6 Q. All right. And then on December the 3rd at
7 10:39 a.m. you ask Anthony a follow-up question about
8 Austin's files. "Since he left the company, where did
9 those proposals and such end up?" And you say, "Seems
10 like the gap is mainly around Nashville."

11 At 9 -- mine says 9:57 a.m. I don't know if
12 you guys were on different time zones, but --

13 A. We were.

14 Q. Okay. Makes sense. Just a few minutes later,
15 it looks like -- less than 20 minutes later, Anthony
16 replies and says, "Ben, all of Austin's files were
17 transferred to Patrick Sweeney and Bob McClure. Those
18 gentlemen transferred them to John Miller."

19 Did you ever with your own eyes look at
20 Patrick Sweeney's OneDrive account?

21 A. No.

22 Q. And what about Bob McClure, did you ever look
23 at Bob McClure's OneDrive account?

24 A. No. I had conversations with John Miller. He
25 showed me what files he had. We reviewed them, but he

1 showed them to me on Teams. I didn't access the file.

2 Q. Okay.

3 A. Until he quit, at which point I copied
4 John Miller's files over to my OneDrive.

5 Q. Right. I understand. And you've talked about
6 that being sort of your standard practice to copy the
7 files when a rep or an account manager was leaving to
8 your OneDrive so that you would have them?

9 A. Yeah. Unless it's, like, pictures of their
10 kids or something that you obviously don't need, you
11 might not transfer those over, I guess, but,
12 typically, you grab the whole file so you have it, and
13 then you may just keep those files forever until
14 someone else needs them.

15 Q. Right. You also testified earlier that
16 Anthony sent you a ShareFile link for his WL121 files;
17 is that right?

18 A. It was labeled "WL121 files." So there wasn't
19 much substance to it.

20 Q. Did you follow your practice and copy over
21 that entire folder that Anthony sent you to your
22 OneDrive?

23 MR. WALTON: Objection. Asked and answered.
24 You can answer again.

25 THE WITNESS: I believe so, yes.

1 BY MR. POPE:

2 Q. Do you think you still have those files?

3 A. I believe I do.

4 Q. And are they saved in the same folder
5 structure in your OneDrive as they were when Anthony
6 granted you access?

7 A. I haven't renamed anything, so, yes, it would
8 have just copied over.

9 Q. Okay. So when Anthony left the company and
10 you received that e-mail terminating your access to
11 the link, it didn't prevent you from accessing those
12 files in any way; correct?

13 A. The files that he shared with me, the download
14 files that I saw, I never gained access to those
15 files.

16 Q. I'm talking about the files that he shared
17 with you.

18 A. So I have those files.

19 Q. And so when you received the e-mail that you
20 referenced earlier saying that your access to that
21 OneDrive link was terminated and no longer valid, it
22 did not prevent from you accessing the files that
23 Anthony did share; is that right?

24 A. That is right.

25 MR. POPE: That's all the follow-up I have.

1 MR. WALTON: No further questions. You're
2 done.

3 THE VIDEOGRAPHER: This concludes today's
4 testimony. The time is 4:38.

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6 (Whereupon, the deposition concluded at 4:38 p.m.)
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REPORTER'S CERTIFICATE

I, Ariela Kelley, Court Reporter, do hereby
certify that I recorded to the best of my skill and
ability by machine shorthand all the proceedings in
the foregoing transcript, and that said transcript is
a true, accurate, and complete transcript to the best
of my ability.

I further certify that I am not an attorney
or counsel of any of the parties, nor a relative or
employee of any attorney or counsel connected with the
action, nor financially interested in the action.

SIGNED this 9th day of March 2023.

Ariela Kelley

Ariela Kelley, LCR, CSR
Tennessee LCR No. 736
Expires: 6/30/2023